

Remarks

Claims 1-18, 21-23, 59-78, and 80-98 are pending in the application. Claims 19-20, 24-58, and 79 have been canceled. Claims 1-3, 6-8, 12-14, 23, 59, 66, 70-72, 77, 80, and 81 have been amended. Claims 12-18 and 81 have been withdrawn as a result of an election of specie. New claims 82-98 have been added, and claim 97 has been withdrawn as being related to an unelected specie. No new matter has been added by virtue of this amendment. Reconsideration of the application as amended is requested.

Election/restrictions

The Examiner states that "Claims 82-89 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention of the newly presented claims requires two transducers and placing the substrate between the transducers. This is not required by the previously presented claims. The previously presented claims require a container with overflow and placing the substrate in the container. This is not required by the newly presented claims."

However, applicant would respectfully ask the Examiner to consider that previously presented claim 70 generally provides the idea of a second transducer with a second active surface facing and substantially parallel to the first active surface. Previously presented claim 72 provides the idea of disposing the substrate between the first and second active surfaces. Thus, the idea of newly presented claim 82 of two transducers and placing the substrate between the two transducers was actually in the previously presented claims. And claims 70 and 72 are linking claims.

The Examiner is correct that newly presented claims 82-89 are broader in that they do not require a container with overflow and do not require placing the substrate in the container. However, applicant would respectfully ask the Examiner to consider that broadening a claim does not itself provide grounds for a restriction.

Applicant agrees with the Examiner that Claim 81 was withdrawn as being drawn to a non-elected specie and that applicant made such election without traverse in the reply filed on March 7, 2005. Claim 81 was labeled "withdrawn" in the previous response.

Claim Rejections--35 U.S.C. § 102(b)

The Examiner rejects claims 1-4, 10, 18, 21, 23, 59-62, 68, 76-78, and 80 under

35 U.S.C. § 102(b), as being anticipated by Akamuna et al. However, as amended independent claims 1, 23, and 59 are clearly distinguished from the teachings and suggestions of Akamuna. The claims have been amended to include the limit,

- a) providing a container having side walls on all sides of said container, said container having an overflow **on at least two sides**, said container having an inlet for flowing fluid into said container, said **inlet located below said overflow**;

Akamuna teaches having an inflow on one side, an outflow on the opposite side, and two sides with sidewalls high enough to prevent outflow so that the flowing water reaches across the tank to the opposite side. Akamuna's purpose of providing flow across the tank would be defeated by providing an overflow on more than one side. Furthermore, the inlet of Akamuna is located higher than the overflow. Thus, the rejection of claims 1-4, 10, 18, 21, 23, 59-62, 68, 76-78, and 80 have been traversed.

The Examiner rejects claims 2-17 and 70-75 as being anticipated by WO 01/08200. However, claims 2-17 depend on claim 1 and claims 70-75 depend on claim 59, both of which have been amended to include the limit that the container has an overflow on at least two sides. The WO 01/08200 patent appears to have overflow exclusively on one side, as shown in FIG. 1 by numerals 44, 45. The overflow appears to be controlled by adjustable edge 44. Even if the idea of providing overflow on more than one side were considered, further invention would be required to coordinate providing multiple adjustable edges on multiple sides and for providing common adjustment to those multiple adjustable edges. Thus, the rejection of claims 2-17 and 70-75 have been traversed.

The Examiner rejects claims 1-4, 10, 12-17, 18, 22, 23, 59-62, 68, 70-78, and 80 under 35 U.S.C. § 102(b), as being anticipated by Ogata et al. However, as amended claims 1, 23, and 59 include the limit that the inlet is located below the overflow. Ogata provides inlets 8b above outflows 6a, 6b. There is no teaching or suggestion to move inlets 8b of Ogata below outflows 6a, 6b. Furthermore, Ogata cannot allow fluid to flow over edges 7 of his tank 3 since the dirty water overflowing would strike cleaned substrate 2 as it emerges through opening 6b, defeating the cleaning process. Thus, the rejection of claims 1-4, 10, 12-17, 18, 22, 23, 59-62, 68, 70-78, and 80 have been traversed.


Claim Rejections--35 U.S.C. § 103(a)

The Examiner rejects claims 5, 11, 63, and 69 under 35 U.S.C. § 103(a), as being unpatentable over any one of Akamuna and Ogata. Similarly, the Examiner rejects claims 6-9 and 64-67 under 35 U.S.C. § 103(a), as being unpatentable over any one of

Akamuna and Ogata in view of JP 5-13396. However, applicant would respectfully ask the examiner to consider that Akamuna, Ogata, and JP 5-13396 do not teach or suggest the overflow on more than two sides and the inlet below the overflow limits of claims 1 or 59 added by the present amendment, as described herein above. Therefore the Akamuna, Ogata, and JP 5-13396 patents do not teach or suggest the limits of claims 5, 11, 63, and 69 or claims 6-9 and 64-67 which are dependent on claims 1 and 59.

It is believed that the claims are in condition for allowance. Therefore, applicant respectfully requests favorable reconsideration. If there are any questions please call applicant's agent at 802 864-1575.

Respectfully submitted,
For: Busnaina


By James M. Leas
Registration Number 34,372
Tel: (802) 864-1575

James M. Leas
37 Butler Drive
S. Burlington, Vermont 05403